

Practitioner's Docket No. 1062/D02

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Dean L. Kamen, John David Heinzmann

Application No.: 10/616,025

Group No.: 3634

Filed: July 9, 2003

Examiner: Lev, B.

For: Self-Balancing Ladder and Camera Dolly

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))

Identification of Person(s) Making This Disclaimer

I, Samuel J. Petuchowski, represent that I am the attorney of record.

EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

DISCLAIMER

(Obviousness-Type Double Patenting Rejection Over Prior Patents and Pending Application)

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

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Date: September 29, 2004

Samuel J. Petuchowski

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of pending application 09/325,976 filed June 4, 1999 and Patent Nos. 5,701,965, 5,971,091 and 5,975,225 as presently shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of the patent forming the basis of the double patenting rejection, namely, Patent No. 5,701,965, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

**DISCLAIMER FEE (37 C.F.R. § 1.20(d))**

Other than a small entity--fee \$110.00.


**FEE PAYMENT**

Attached is a check in the amount of \$220.00, including the 1 month extension fee of \$110.00 for the Response filed herewith.

Charge any additional fees required by this paper or credit any overpayment to Account No. 19-4972.

A duplicate of this paper is attached.

Date: September 29, 2004

  
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